

THE FRENCH LIBEL LAWS.

A DRASIC REFORM NEEDED TO STOP DISGRACEFUL NEWSPAPER ABUSE.

INADEQUACY OF THE PRESENT LAWS—LIBEL TRIALS BY JURY A FAIL-

TURE—INFLUENTIAL ADVOCATES OF REFORM.

Paris, October 29.

The author of abusive and defamatory language which since the Dreyfus affair has been of frequent occurrence in certain Paris newspapers has reached such a point that it is likely that a much-needed reform of the existing press laws will be among the foremost of the bills submitted to the Chamber of Deputies when it assembles in November. The worst offenders are M. Henri Rochefort's "Intransigeant," M. Millevoye's "Patrie," M. Drumont's "Libre Parole," and M. Guérin's "Anti-Juif." The vilest epithets are daily applied not only to Frenchmen professing different political opinions from the writers of the libels, but also to foreign sovereigns—notably the German Emperor and Queen Victoria—to Ministers of foreign Powers, and to individuals, regardless of nationality.

The violent abuse showered upon President Loubet, General De Galliffet, M. Waldeck-Rousseau and the magistrates of the Court of Cassation has already induced M. Joseph Fabre to submit to the Senate a bill providing that actions for libel affecting the President of the Republic or other civil or military functionaries may be brought before ordinary police courts and tried by juries without a jury. Such cases under the existing law would go before a jury, but it is interesting to note, that in the opinions of the able French lawyers who have closely studied the practical working of the present press laws, and among whom may be cited such men as Procureur General Bernard, Advocate General Melloni and Maitres Demange and Labut, trial by jury in France in cases of libel is an absolute failure.

THE "MESSIE ROUGE" CELEBRATED.

Last Monday was the opening day of the legal year in France, and the famous "Messe Rouge" was celebrated as usual in the Sainte-Chapelle, Cardinal Richelieu's Archibishop of Paris, pronounced the benediction. At the opening of each court the accustomed address was delivered. In the Court of Cassation Advocate General Melloni took for his theme the effects of the Press law of 1881, which is the fundamental law regulating newspapers and libels. M. Melloni pointed out that the national jurisdiction afforded no adequate remedy for libel. He said that juries always decline to interfere in disputes between individuals when political questions are involved. The newspapers invariably publish the names of the jurors, who are indirectly menaced with all sorts of annoyances if they dare to decide against the newspaper. M. Melloni commended the example of the English judges, who never hesitate to fix high damages in suits for libel or slander.

Before making the radical experiment of partially suppressing the jury in suits for libel, M. Melloni recommended that the law be amended so that in libel cases the judge should put two questions to the jury, viz.: First, Is the libel proved? and second, If the libel has not been proved, did the writer act in good faith? M. Melloni hopes that this will furnish the means of supplying the much-needed legal remedy for libel.

The French press laws, about which French jurists predict that much will be heard during the next few months, have been amended no less than thirty-eight times in the present century. They provide for almost every conceivable contingency except an adequate redress for libel. It is somewhat singular that liberty of opinion in France, so emphatically asserted over a hundred years ago in the Declaration of the Rights of Man remained in practice a dead letter, so far as the press was concerned, until the enactment on July 29, 1881, of the fundamental press law inspired by Gambetta and Jules Simon.

In view of coming events, a brief history of the French press law is worth recounting. During the First Empire an elaborate network of laws muzzled the newspapers. While the official revolutionary device of "liberty of opinion" was theoretically maintained, the press was held in check by means of onerous requirements of caution money, bonds to be consigned at the pleasure of the Minister of the Interior by each newspaper and by excessive stamp taxes. Each subsequent régime—not even excepting that of the Third Republic—took good care when it was uncertainly seated in the saddle that such effective curbs upon public opposition to the executive branch of the Government should remain intact. The last time the press muzzling tax was enforced and worked for all they were worth, was during the Clerical Royalist régime known as the "Seize Mai," which culminated in the downfall of President Marshal MacMahon. The Rue de la Paix Cabinet within a period of five months instituted no fewer than 1250 press prosecutions. The total fines exceed \$200,000, and the sentences of imprisonment imposed upon journalists amounted when added altogether to forty-six years. Soon afterward came the inevitable legislative reform.

and, as frequently happens, the pendulum swung to the opposite extreme. The law of July 29, 1881, insures absolute freedom of the press. Every Frenchman is at liberty, after merely giving public notice, to publish a newspaper, remaining answerable to a jury (in most cases) for any offence or misdemeanors his journal may commit.

M. PEYRAMONT'S CASE.

The inadequacy of the Press law of 1881 first became apparent in 1887, when M. Peyramont, Editor of the "Revolte," caused a sensation by grossly insulting the German Emperor and announcing that by a vote of 72,680 against 16,022 the provinces of Alsace and Lorraine had signified a determination to throw off German allegiance and return to France. The "Revolte" appealed to the Paris mob to make a demonstration in favor of Alsace-Lorraine and against Germany. The French Cabinet, in order to preserve peace, endeavored to suppress the "Revolte." But it was discovered that none of the seventy-odd articles of the Press law applied to the case. The Procureur General happened to recall that an obscure law enacted in 1810 (Article 81 of the Penal Code) provides that "any person who by hostile acts not approved by the Government makes the State liable to a declaration of war shall be banished from French territory, and if war ensues shall be confined in a penal colony." It was by virtue of this forgotten law that Peyramont was tried. He was nevertheless acquitted by the jury. During the Wilson scandals, the Boulanger movement and the Panama affair more than six hundred and ninety libel suits were brought before the courts, and in almost every instance the result was an acquittal or a purely nominal sentence. The most violent class of newspapers profited by the circumstances, and their language became more and more abusive, until the climax was apparently reached during the Dreyfus affair. The result is that the duel remains the only recognized remedy in France for newspaper libel.

It may be noted that the Zola trial is almost the only instance in which the maximum sentence for libel has ever been given by a French jury. This verdict was subsequently set aside.

But the extraordinary circumstances which surrounded the Zola trial make that case a noteworthy exception to the rule. It will be remembered that Zola was tried under the article of the Press law of 1881 which provides that libels against the constituted authorities may be punished by imprisonment from eight days to one year and with fines of from 100 to 3,000 francs, owing to the inflamed state of public opinion and to the tremendous moral pressure brought to bear upon the jury, the court of first instance inflicted the maximum sentence, which was, however, subsequently annulled on technical grounds by the Court of Cassation. A few weeks later another rare instance of a condemnation in a French libel case occurred. This was when M. Joseph Reinach sued M. Henri Rochefort for libel. It was such a clear case, and attended with aggravating circumstances, that the magistrate gave judgment for the plaintiff, but accorded the minimum sentence of five days imprisonment and a small fine.

PROVISIONS OF THE PRESENT LAW.

As the French libel law now stands libels against the constituted authorities, or publications of falsified documents maliciously attributed to persons not their real authors, are punishable with the maximum sentence of one year's imprisonment and a fine of 3,000 francs, owing to the inflamed state of public opinion and to the tremendous moral pressure brought to bear upon the jury, the court of first instance inflicted the maximum sentence, which was, however, subsequently annulled on technical grounds by the Court of Cassation. A few weeks later another rare instance of a condemnation in a French libel case occurred. This was when M. Joseph Reinach sued M. Henri Rochefort for libel. It was such a clear case, and attended with aggravating circumstances, that the magistrate gave judgment for the plaintiff, but accorded the minimum sentence of five days imprisonment and a small fine.

DEATH OF GENERAL ROCK.

General Jan H. M. Rock, who was second in command in the Transvaal forces and who was wounded in the battle of Elandslaagte, died in the hospital at Ladysmith on Monday night.

A report that a Boer force with guns from Komatik Poort is making its way through Zululand is held to indicate an intention to seize the railway between Colenso and Pietermaritzburg, if it has not already been seized. This, however, will soon be known, as armored trains are patrolling the line.

The real question now for the British public is, can General White hold out another ten days or two weeks, until the army and navy can get to keep, almost, the army and navy, and he has had to commit most provocative and threatening acts. The Boers followed British mobilization, and if Great Britain had mobilized earlier, the ultimate would have been earlier.

Lord Lansdowne explained the promptness of the mobilization, which had enabled five cavalry regiments, ten batteries and thirty battalions to get far away on the sea. During the earlier operations the enemy went on to say had great superiority of numbers and the advantage of a choice of ground. This phase of the situation, he hoped, was approaching conclusion, for in less than a week the first instalments of Sir Redvers Buller's force would arrive at Cape Town, to be followed at a steady rate by the remainder. The speaker continued:

I do not think that there need be any anxiety regarding the result. There has been nothing in our conduct to compare with the patriotism of our enemies, who will take no denial. Their attitude will impress upon the civilized world two great truths: first, that Great Britain is not an empty phrase, and second, that such a large measure of voluntary support would not have been accorded unless we were fighting in a just cause.

Little light is thrown on the actual situation by the news at hand to-day. The magnitude of Monday's fight, however, is more than ever evident. Virtually three actions were raging simultaneously, but it is obvious that the intention to roll back the Orange Free State troops was not achieved.

A dispatch to "The Daily Telegraph" from Ladysmith, filed on Monday night, giving a descriptio

n of the battle, says:

A similar mimic stampede occurred to Lieutenant Colonel Grimwood's column on the Bulawayo side. The ammunition was lost, but our infantry quite held their own. It was a serious misfortune that the powerful bluejackets were not summoned sooner, as the result of the engagement would have been different.

According to another dispatch the Naval Brigade at Ladysmith has mounted four more guns from Durban.

LADYSMITH ISOLATED.

(Continued from first page.)

ever, as in any wise confirming the rumor of a complete investment of Ladysmith or of the capture of Colenso.

The War Office had earlier received a telegram, dispatched from Ladysmith at 9:25 this morning, saying that General White was well and holding his position.

LIEUTENANT EGERTON WOUNDED.

In the afternoon the War Office issued the following dispatch:

Ladysmith, November 2.
Chief of Staff, Ladysmith, to War Secretary.

Lieutenant Egerton, H. M. S. Powerful, dangerously wounded this morning by a shell, left knee and right foot. Life not in danger at present.

DEFUSILIERS CAPTURED AT DUNDEE.

London, Nov. 2.—Another list of casualties at Dundee was issued by the War Office this morning.

It gives eighty-two non-commissioned officers and men of the Dublin Fusiliers missing,

indicating that the Boers captured as many Fusiliers as they did Hussars.

BOERS IN FORCE AROUND KIMBERLEY.

SIX THOUSAND INVEST THE CITY—ITS DEFENDERS WEARY.

It was inferred from this dispatch that the artillery duel between the Boers and British continues, as Lieutenant Egerton was a gunnery lieutenant, with the big naval guns.

The War Office has no information of Major-General Buller, the British commander in South Africa, having left Cape Town.

Colenso, in the rear of General White's forces, is believed to be well defended by a composite naval and military corps, and it is understood that the two naval 12-pounders mounted near the bridge over the Tugela, one of the most vulnerable points along the railroad from Ladysmith to Pietermaritzburg, ought to be able to defend it and prevent its destruction. If the Boers succeed in destroying this bridge it would mean the interruption of railroad communication with Ladysmith for an indefinite period.

While the Boer attempts in this direction are not confirmed, it is thought that they may be expected momentarily, and the reported steady shelling of Ladysmith, it is added, points to the intention of the Boer commanders to keep General White occupied while their strategy is carried out.

Special dispatches from Ladysmith, dated Tuesday, give further details regarding the renewal of the bombardment. The Boers, having reoccupied their old positions, remounted big guns. Their fire was accurate, but almost harmless. Some of the troops were slightly injured by splinters. Lieutenant F. G. Egerton and his men from the Powerful did splendid work and quickly silenced the Boer guns.

The Boers acknowledge having suffered heavy losses in men and horses in the previous battle.

DEFENCE OF THE WAR OFFICE.

THE MARQUIS OF LANSDOWNE ANSWERS SOMETHING HOSTILE CRITICISMS.

London, Nov. 2.—The Marquis of Lansdowne, Secretary of State for War, was the chief speaker at the Cutlers' Feast in Sheffield this evening, the function being attended by the usual distinguished assemblage.

Replying to the toast to "Her Majesty's Ministers," he went over the usual ground in explaining the causes of the war, and defended the Government against the charge that the military preparations were not abreast of the negotiations. He said:

The diplomatic messages went by wire, the reinforcements by ship. Moreover, in order to keep, almost, the army and navy, and he has had to commit most provocative and threatening acts.

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MAY LAND AT LOURENCO MARQUES.

The report comes from Rome that Portugal will permit the landing of British troops at Lourenco Marques. This coincides with the view, strongly prevalent in some quarters here, that the British invasion of the Transvaal will be made.

Apparently, however, extensive preparations are in progress at Delagoa Bay, in the concentration of Lieutenant General Buller's army. Thousands of miles are correlated in that neighborhood, and transport material is being hurried up from the south.

All was quiet at Bulawayo, in Rhodesia, according to dispatches received this morning, up to October 27. There has been some skirmishing on the border.

Lord Frederick Roberts of Candahar, commander of the forces in Ireland, while reviewing the troops at Kilkenny said:

It is useless to disguise the fact that we are engaged in a very serious war, a war which will put out our resources and courage to a severe test.

"Times" commenting editorially upon the fact that news appears to arrive in Belgium from South Africa through some channel uncontrolled by British censorship, reminds the Government that information valuable to the enemy can similarly leak from Europe to the Transvaal. It suggests that the Government should fully exercise its right under existing conventions, if any such channel has been opened, to keep the news from the Atlantic.

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